

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
TWENTIETH DAY
DECEMBER 23, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN, COURT STENOGRAPHER

MINUTES TRANSCRIBED BY
ALISON MAHONEY, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 2:54 P.M.]

P.O. CARACAPPA:

Good afternoon, Mr. Clerk.

MR. BARTON:

Good afternoon, Mr. Chairman.

P.O. CARACAPPA:

Please call the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

(Not Present)

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

LEG. MONTANO:

Yes, here.

MR. BARTON:

12, Mr. Chairman. (Not Present at Roll Call: Legs. Caracciolo, Schneiderman, O'Leary, Losquadro, Foley and Tonna)

P.O. CARACAPPA:

Thank you, Mr. Clerk. Will everyone please rise for a salute to the flag, led by Legislator William Lindsay.

(SALUTATION)

P.O. CARACAPPA:

Please be seated. Thank you. Mr. Clerk, please read the Special Meeting notice.

MR. BARTON:

Notice of a Special Meeting, dated December 21st, 2005, to the Honorable Joseph T. Caracappa, Presiding Officer, and all Legislators, from Steve Levy, County Executive.

"Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Friday, December 23rd, 2005, at 2:45 p.m. in the afternoon in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2•6(B) of the Suffolk County Administrative Code for the following purpose:" It lists a one•hour public portion and two items. Signed by the County Executive.

P.O. CARACAPPA:

Thank you, Mr. Clerk, I certainly appreciate that. Welcome, everybody, to this Special Meeting of the Suffolk County Legislature and I wish you all a very, very happy and healthy and safe holiday season.

We're going to go directly to public portion. Please keep in mind, though I do not have as many cards as matches the faces in the audience.

LEG. VILORIA•FISHER:

That's good.

P.O. CARACAPPA:

Yes, that is very good, Legislator Viloria•Fisher. Due to religious time constraints, I'd ask everyone to try to consolidate your remarks and make them as brief as possible. We all understand why you're here and what you're advocating for, but we'd like to be able to vote as soon as possible on these items and not have Legislators leave us due to their religious

observations.

So, with that, I will describe quickly the public portion component of today's meeting. You have three minutes to state your remarks; it's your time and your time only. This is not a question and answer period, it's for you to describe what you're feeling on the issue that you're here before us on today. So each of you will have three minutes, those of you who have filled out a yellow card. If you have not filled out a yellow card and you certainly wish to speak, you can, they're just outside in the lobby and you can fill one of those out. So with that, the first speaker is Frank Stark.

MR. STARK:

I'll defer on that.

P.O. CARACAPPA:

Mr. Stark is deferring. Thank you very much, I appreciate that.

LEG. TONNA:

Thank you, sir.

P.O. CARACAPPA:

Mike Jacobs is the next speaker.

MR. JACOBS:

I'll pass.

P.O. CARACAPPA:

You'll pass; thank you, Mr. Jacobs. Next speaker is Donna Wilson.

MR. KENNEDY:

There's no cards out there.

P.O. CARACAPPA:

Thank you for telling me that, Mr. Kennedy. The Clerk's Office, there's no one outside with cards?

MS. JULIUS:

No, I checked.

P.O. CARACAPPA:

You wish to speak, Mr. Kennedy? At the end of the cards I will ask anyone who wishes to be heard to be heard. So we'll go to the speaker currently at the podium and that, again, Ms. Wilson, go right ahead.

MS. WILSON:

Good afternoon. I'm a homeowner in Medford and my concern with this not being passed immediately is the cost, the rising cost of material and gas. The money would •• this has to be built regardless and we can either do it where it's more expensive for the homeowner as far as their taxes going up, and we all know that there are many people right now that are barely holding on to their homes and to raise their mortgage payment when this should be done before the prices rise, should be taken into consideration. Thank you.

P.O. CARACAPPA:

Thank you very much. Next speaker is Robert Christensen.
Mr. Christensen, welcome.

MR. CHRISTENSEN:

Good afternoon. We've waited a long time for this project.
This project is a project that ••

P.O. CARACAPPA:

Let me just stop you, sir. Which project are you talking about? Because there's a lot ••

MR. CHRISTENSEN:

The jail. I'm sorry, the jail.

P.O. CARACAPPA:

There's a lot that we're dealing with within these resolutions, especially the elimination of a lot of very important projects.

MR. CRISTENSEN:

Yeah. I'm looking to fund the jail project as soon as possible because •• for public safety, to put people to work, as Ms. Wilson said, for the rising costs. It's just overall better for this community if we get this project under way as soon as possible, and I thank everybody for showing up today. I'm a little disappointed that some people aren't here; I would assume they're not here because of political reasons that they're not in favor, I don't know what.

LEG. ALDEN:

Don't make that assumption.

LEG. VILORIA • FISHER:

They may have started their vacation.

P.O. CARACAPPA:

Yeah.

MR. CHRISTENSEN:

Okay.

P.O. CARACAPPA:

For personal •• I'm not going to take away from your time. This Special Meeting was not •• we had no idea this was going to happen; yesterday, for the most part, it was called. This is the holiday season and I know all of you made a sacrifice in your personal time to be here and that's certainly appreciated, as all of us did. Our last regularly scheduled meeting of the Suffolk County Legislature was on the 20th of this month and we had that on Tuesday. None of us anticipated being here. I know for a fact that Legislator Caracciolo, who was absent on Tuesday, is still very, very sick, dealing with an illness, and the others left before for scheduled family plans across the country based on our original calendar. So please don't be disappointed in their nonappearance, some are still on their way. But the fact of the matter is this was highly unanticipated and we've all, everyone, both the public and the Legislators, have done everything we possibly can to make sure that we were here to deal this very important issue. So go ahead, sir.

MR. CHRISTENSEN:

Please, I ask the members of Legislature to make this happen. And it's good for Suffolk County

and it's good for our community as a whole. Thank you very much.

P.O. CARACAPPA:

Thank you, sir, I appreciate it. Gene Parrington.

MR. PARRINGTON:

Excuse me. Hi. Gene Parrington. I'm a business rep from Local 25 IBEW, we represent about twenty•five hundred members. I'm urging all our representatives to secure the appropriated funds for the jail, the jail project itself, the \$71 million and the extra \$20 million. The County is mandated to come up with a solution to this problem. This resolution will save the taxpayers money, and it also will put our people to work. Wait until 2006, it will only increase the cost of this project. So I hope we can move on it now and secure it.

Thank you very much.

P.O. CARACAPPA:

Thank you very much. James Rogers.

MR. ROGERS:

Good afternoon, Presiding Officer.

P.O. CARACAPPA:

How are you?

MR. ROGERS:

And members of the Legislature. I just wanted to thank Jon Cooper for being here. I understand that his family's down in Florida right now and he's supposed to be with them, and he shows a lot of character being here and doing that for us. So I think my brothers should know that.

(Applause)

LEG. TONNA:

But he could have dressed up with a jacket and a tie; I mean, come on;

LEG. COOPER:

Thank you.

MR. ROGERS:

I don't want to reiterate what Gene Parrington said, but from what I understand, there'll be a multiplier effect if this isn't done now on other projects, whether it be the County Center, Sewer District projects; that's something that we've been waiting for. Guys in the building trades have been waiting for these projects to come, just either the County Center, something that will carry us over through the wintertime.

I brought along with me our unemployment sheet right now, it's two pages long, full of brothers and sisters from District Council No. 9, Painters and Allied Trades, that have been out of work, some of them have been out of work since August. They're not going to have too good a Christmas. Some of them won't have health benefits coming the next quarter. So this is very important, we need this, not only for the jail but these other projects that are coming. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Rogers.

(Applause)

LEG. ALDEN:

Point of personal privilege.

P.O. CARACAPPA:

Point of personal privilege, Legislator Alden.

LEG. ALDEN:

This meeting wasn't scheduled and I was supposed to be with my disabled sister who has a birthday on Christmas Day down in _Homasa_ Florida and I had to cancel those plans to come in here, so I feel like I'm living A Christmas Carol. But there's other Legislators, and I really don't think they should be slighted. If they're not here, you cannot make the presumption that it's a political reason why they're not here, because all of us had different plans for the holiday season. This was not a planned meeting, we had no clue that this was

going to happen until some time way after Tuesday's meeting. So there's a bunch of us that actually had to redo plans to be with family members to actually be here.

P.O. CARACAPPA:

Right. Well, thank you. I tried to state ••

LEG. ALDEN:

You can't slight other members that are here.

P.O. CARACAPPA:

Right. I did make that •• I did mention that on the record just a few moments ago and I know Legislator Cooper made a personal sacrifice, but I don't think there's one Legislator here that hasn't made a personal sacrifice in order to be here and do our jobs on behalf of the public.

LEG. MYSTAL:

Let's vote.

LEG. BISHOP:

Are we debating the bill now?

P.O. CARACAPPA:

No, there are more speakers. I have no other cards, but I know Mr. Kennedy would like to be heard.

MR. KENNEDY:

Good afternoon, Members of the Legislature. Probably one of the saddest days that I've had in a long time was the results of your December 20th meeting, turning down the approval for the funding for the jail and for the County Center. I'm grateful to be here this afternoon to speak about what's really at the crux of all of our members that are here today. The jail, the County Center was a form of plasma, if you will, for the building trades.

I come out of the IBEW Local 25, there's 400 members that are unemployed; I've been through that experience. At one time in my life, when I was working as a construction electrician, I was unemployed for a year, and I got to tell you, it was probably one of the saddest, emotional

times in my life. I trained as an electrician, I learned my trade well and I couldn't perform it. During that year, I found myself doing jobs, anything to put bread on the table for my six kids. And I know those 400 brothers and sisters, just from our local alone, are experiencing that.

Right or wrong, we participated in the process, spoke about the positive aspects of the new jail, come out and supported it and we thought that that was a foregone conclusion. And the reason for me being here today, I don't think that you could give a better Christmas gift or a promise for the new year than to vote positively for these two very, very, very important projects. It's not a work•make type of situation, it's something that's drastically needed. It has all of the positive aspects of moving forward.

So I implore you, on behalf of all •• and I've got to thank all of our brothers and sisters that came out from the building trades. We're here •• we're very, very busy, too, today, and we want to thank all of you for coming back. But I ask you and, you know, I very, very seldomly •
• I'm a pretty proud guy, but I've got to tell you, I beg you guys to please, please do the right thing and please vote on this •• these two •• funding for these two projects, and please give us some hope for the new year. And thank you for giving me the opportunity to speak. Thank you.

(Applause)

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard? Sir, please step forward. State your name.

MR. FIORE:

Donald Fiore, Business Manager of Local Union 25, the International Brotherhood of Electrical workers. Good afternoon, distinguished members of the Legislature. I rise today in support for the Yaphank Correctional Facility. To delay this project any further will just increase the cost.

The County is mandated to build this facility. The County must act on that today and act prudently. Our members are suffering long•term unemployment, I mean long•term, I'm talking about 16, 18 months out of work. They're no longer parts of the unemployment role, they're not counted anymore. They've run out of benefits, they've run out of everything. And I also speak for my brother members here, that they also are suffering the same type of

unemployment. This type of a facility will give us gainful jobs, and that's all we want to do, we want to work.

And the one thing about the members of the building trades, we support the County and we support everybody here and we applaud you for the work that you're doing. But the members of the building trades that are here today, if they don't have the money to do what they want to do, then the County's going to suffer on that also, because they can't spend the money that they don't have. And to just go deeper into debt and go deeper into debt is not a prudent thing.

I'm going to echo the words of Jack Kennedy. I'm going to also beg you, please, make this a reality for us, not like my tie here with The Grinch; please do not steal Christmas for us. Thank you very much.

(Applause)

P.O. CARACAPPA:

Thank you, sir. Again, I have no other cards. I'm going to make a motion to close public portion by myself.

LEG. TONNA:

Second. Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions? Public portion is now closed.

MR. BARTON:

14.

LEG. TONNA:

Motion.

P.O. CARACAPPA:

We will now go to the second item on the agenda and that is to consider and vote on the CN.

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Which is a ***resolution of the County of Suffolk, New York, authorizing the issuance of bonds to finance a part of the cost of construction of a new jail/correctional replacement facility in Yaphank (CP 3008).*** There's a motion by Legislator Tonna, second by Legislator Foley.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna •• I'm sorry. Legislator Tonna, you're second on the list.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

Legislator Bishop is first.

LEG. TONNA:

Okay.

LEG. BISHOP:

I'll yield.

P.O. CARACAPPA:

You'll yield? Go right ahead.

LEG. TONNA:

Just three quick points. One is there has been some really good debate about the issue, and there has been some really excellent debate about the whole issue about being forced by the

State, about whether this was the plan that we should do, about the new Sheriff coming in, and all of those things have an enormous amount of merit. But I guess when the rubber hits the road, given the time, given the fact that in 2006 there would be a completely different reality to our Capital Budget, I think that the vast majority of us would agree that we have to vote for this project.

I want to say, though, that I felt that those who have said we needed to look at this very carefully, and this has been an ongoing debate for almost a year•and•a•half, two years, about prison plans, about the State's character in this whole saga, I think there was a lot of merit to that. And so I'm going to obviously vote for this.

The third thing that I want to say is that •• and I didn't plan it this way, but God, it's so great, the last vote that I'm going to make is with a roomful of the people who got me here, the people who supported me every step of the way, the people who •• the working people who have really been my absolute partner for the last 12 years as a Legislator. So I just want to say thank you.

(Applause)

Thank you very much. Thank you. Thank you, gentlemen. Thank you, ladies. Thank you.

(Applause and Standing Ovation)

LEG. TONNA:

Thanks.

P.O. CARACAPPA:

Ladies and Gentlemen.

LEG. TONNA:

Thank you very much.

P.O. CARACAPPA:

While you're standing, applauding, I was going to bring this up earlier, but keep in mind that

not only is Legislator Tonna, this is the last vote that he'll be casting, but also Legislator Bishop, Legislator Carpenter, the Deputy Presiding Officer, and Legislator Foley who are here today. So it goes without saying •• we did our final fairwells at our regularly scheduled meeting on the 20th, it goes without saying that these individuals as Legislators and human beings and public servants, have done probably more for infrastructure improvements and the building trades and keeping people at work for the right reasons in Suffolk County than any other assembled Legislature in the history of this county. So, as you applaud Legislator Tonna after his speech, I want you to keep in mind the people that are here sitting at this horseshoe who are leaving us as well have done just an absolute fabulous job. So I a congratulate them and wish them well. The next speaker ••

(Applause)

The next speaker is Legislator Bishop.

LEG. BISHOP:

I'll yield again.

P.O. CARACAPPA:

Yield again. You want to be last?

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Okay, you're going to be last. Legislator Lindsay and then Legislator Carpenter and then Legislator Vilorio•Fisher.

LEG. LINDSAY:

I, too, appreciate my colleagues coming for this Special Meeting two days before Christmas, it's a bit of an inconvenience for us. But what's more of an inconvenience is to be out of work around this time of the year. Most of the people in the audience know that I came from the construction industry. I was out of work one Christmas. I know my local right now has some people approaching their second Christmas out of work, and that's devastating. And what even makes less sense is what we're arguing about today is appropriating money that was already

put in the Capital Budget; it's there, we have to appropriate it for projects that we know have to be built.

We could debate all we want about the size of the jail. I've toured the Yaphank facility at four different occasions; the facility is falling apart. You wouldn't keep a dog in that cell. I'm not one on coddling people that are incarcerated, but by the same token, the facility out there is inhumane. Something needs to be done with it, the State has told us that for years now. We don't have a choice, we have to do something with that facility.

And as far as the rest of the projects, to choose between building that project and scrapping a whole bunch of other projects is not a viable alternative. We're not looking for make-work projects. Everything that we're talking about today of allocating the money for our real projects that really need to be done.

We've mentioned the Riverhead Center before; that building's 50 years old. It's falling a part, it needs to be renovated. It's a major County facility that tens of thousands of Suffolk County residents use every year. It's a disgrace to put the Suffolk County emblem on that building.

So I ask my colleagues to please look at this issue, appropriate the money that is in the planning stages already. Let's move forward with these projects. Let's provide jobs for these people that need jobs and build things that need to be built. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you, Legislator Lindsay. I apologize. I'm certainly remiss in one person's name, the "Dean" of the Suffolk County Legislature who's also leaving us today, that's done a tremendous amount over the years, and I just didn't notice him because he wasn't sitting in his seat, he's just standing back here, and of course, that's the 16-year member of this body, Legislator Binder. So I wanted to make sure that he was recognized as well. Next speaker is Legislator Carpenter.

LEG. CARPENTER:

Thank you, Mr. Chairman. One of the things that we have to consider when we're hopefully moving forward and approving this is the fact that we are under certain milestones that have to be met, that have been imposed on this County by the Commission of Corrections, and we have to show good faith. And there's been an awful lot of work and energy and meetings that have taken place, coordination by the County Executive's Office and the Sheriff's Office, the Public Safety Committee, and Legislator Lindsay and myself sat on that committee, along with Legislator Binder and Legislator O'Leary. But we did learn that we have to show that good faith effort that we are moving forward, and I think a no vote at this time would really send the wrong message.

We just received in the office Wednesday morning, it was really ironic, after the vote on Tuesday, the letter from the Commission, a copy of the letter that I received saying that they had extended our variances, but only for 60 days. They have us on a very short leash; they are watching very, very carefully. And for us to move forward now and take this vote, I really think will send the right kind of message to Albany that we are serious with doing what we have been putting off for many, many years.

And like Legislator Tonna, this is a very meaningful vote for me because one of the first things that I got very, very involved in when I was a Legislator for the first time, almost twelve•and•a•half years ago, was fighting to make sure that a project that had been on the books and looked like it was in jeopardy and that was the building of the Health and Wellness Building on the Grant Campus. And that \$54 million building was eventually built; again, a lot of meetings, a lot of compromise, a lot of efforts on the part of many, many people. And I think today, hopefully 12 people will see fit to support this project. I thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. This Legislator •• Legislature has been recognized and known to be a Legislature that does provide for the needs of the working person. This is the Legislature that passed the Living Wage Bill.

Legislator Lindsay mentioned that he took a tour of the Yaphank facility. Walter Denzler, who's sitting here in the first row, took me for a tour of that facility and I was appalled by what I had seen. And although we are not in the business of coddling the incarcerated, we do need to provide them a humane place to live. But further than that, we also have to provide a decent place for our Corrections Officers to work. They spend most of their lives in that facility as well. There might be some discussion about fiscal responsibility. Capital projects that are in our budget provide the infrastructure that we as a County must maintain. It is not fiscally responsible to permit a building, a major building such as the Riverhead County Center, fall to ruin because we don't move forward with capital programs.

We have a facility in Yaphank that needs to be •• that cannot be a place where we have our prisoners or a place for our Corrections Officers to work. So we need to look at all of the responsibilities that we need to serve as a County government.

I also, on a lighter note, would like to congratulate those Legislators for whom this is the last meeting for the professionalism that you've demonstrated in coming here today. One of the earlier speakers said something about people not being here, perhaps because of politics, but the people who are here today for whom this is their last meeting, they're not gaining political capital by being here, this is their last meeting. And I want to thank all of you for taking the time to be here.

P.O. CARACAPPA:

Thank you, Legislator Vilorio•Fisher. Next speaker is Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have a couple of comments, I guess, about this project, about this resolution or resolutions before us, and then I have questions for Counsel, if I can.

P.O. CARACAPPA:

Absolutely.

LEG. KENNEDY:

I agree with my colleagues as far as our responsibilities regarding the jail. Certainly, we have an obligation to go ahead and provide habitable living areas for inmates. We have a sincere obligation to go ahead and provide safe, clean and usable work areas for our County personnel, the Deputy Sheriffs and the Corrections Officers. We certainly have a responsibility to go ahead and provide work where we can for labor, for all the folks that are sitting here in the audience today. We as Legislators also have a responsibility to go ahead and provide fiscal accountability for the citizens and taxpayers that all put us where we are today.

There is a Sheriff•elect who is looking now at the size of this project. As a matter of fact, yesterday's Newsday was quoted, as far as the review that is being done right now, to go ahead and actually identify what this jail will actually look like when it is finally constructed.

I'm distressed that our Commissioner of Public Works is not here today. In a committee meeting two weeks ago, I spent the better part of a half an hour trying to get specifics from that Commissioner on anything associated with this jail, and all he could tell me was that the reason that the administration is seeking an additional \$22 million at this point is because of cost overruns.

I did my research last night. He talked about steel; the price of steel apparently has dropped as far as a ton of steel. He talked about cement; he couldn't give me anything as far as specifics, though. Nothing about how much, how many cubic yards of cement, nothing about how many feet of steel, nothing about anything specific associated with this jail other than it's going to be a jail. Based on the lack of specificity, based on the fact that the administration has elected at this point to go ahead and seek an additional 22 million based on the vague statement called cost overrun, I was distressed then and I'm concerned now.

As to the specifics that I have as far as questions associated with this bond in front of us, and I now turn to both BRO and to our own Counsel. As to BRO, what in your estimation, at this point, is the cost for the jail as we see it?

P.O. CARACAPPA:

Phase I, Phase II, or complete?

LEG. KENNEDY:

All three.

MS. VIZZINI:

Well, I also get a lot of my information from Public Works, being the experts in terms of the cost estimates. It's my understanding that Phase I is estimated to be about \$135 million. The total jail at this point is in the Capital Program for about \$253 million, including this \$22 million cost overrun. However, we really do not have a good handle in terms of what will be in Phase II or what the •• what the price of Phase II will be. So, at this point, we're looking at Phase I, \$135 million. However, this is based on cost projections, not based on bids or design plans, and so I think there's going to be a little bit of leeway between what you actually have as a final number.

LEG. KENNEDY:

And that kind of goes to one of the follow•up questions I was going to pose to you; have you seen a set of prints?

MS. VIZZINI:

I know that the Department and the Commission have been working hard with the architect to develop some draft plans. In my capacity, I've seen some of the initial designs. I have not •• I am not in the loop in terms of viewing the final plans or what they look like. I can only tell you the number of beds that are contemplated and what is new, what is going to be renovated; I don't have anything more specific than that.

LEG. KENNEDY:

Nothing more specific, no building materials, no anything?

MS. VIZZINI:

I know that Phase I is anticipated to involve 580 beds; 360 is now new construction as opposed to the original concept where there was going to be about 680 beds and it was going to be all new construction. That includes 20 beds in the medical unit, 200 beds, an additional 200 beds would be as a result of renovations of the existing dormitories, not the dormitories that were condemned, but the dormitories that are currently in operation. That will give us a total of 580 beds.

In addition, we will be using the temporary modular structure that will hopefully provide 120

beds, for a total of 700 beds operational in Phase I until we move into Phase II, which at this point is going to be a net of 360 beds. So, by the end of Phase I and the end of Phase II, we will have 1,060 beds.

LEG. KENNEDY:

Fine. Now I want to turn to Capital Project 3008 for '05, and what presently is the amount that is in the adopted 2005 Capital Project?

MS. VIZZINI:

There's •• there was originally adopted 53.5 million, and then by resolution we moved over an additional 20 million? Seventeen to 20 million, and that was from the •• if you recall, the rescinded authorizations for the Children's Shelter which we're not moving forward for. So, in terms of what is our adopted Capital Program, there's about 71 million, give or take, for the jail. What the resolution before you does is anticipation of the need for an additional 22 million. It, as our Charter requires, uses other projects as offsets for that 22 million, giving you a total of \$93•plus million.

LEG. KENNEDY:

So there was 71 million authorized in the '05?

MS. VIZZINI:

Scheduled.

LEG. KENNEDY:

Scheduled, in the '05. The administration has elected to add 22 million to this resolution to today seek 93; is that true?

LEG. BINDER:

Can I ask Legislator Kennedy to yield for a moment?

P.O. CARACAPPA:

Point of order to Legislator Binder.

LEG. BINDER:

It's not a real point, just if he'll yield.

P.O. CARACAPPA:

No, no, for the reasons I stated earlier on the record, Legislator Binder needs to make a statement.

LEG. BINDER:

I've got about two or three minutes. I apologize, but it is •• _Shavas_ is coming quickly, unfortunately it's very early, if you look outside you'll see the sun is going down very quickly, and if i get caught even along the way I'll end up having to part along the side and walk the rest of the way to Huntington, that wouldn't be particularly a fun thing to do. So, I only have a few minutes and then I'm going to have to leave, and I apologize, but there's nothing I can do.

LEG. NOWICK:

We're going to take a vote.

LEG. KENNEDY:

I will ask one last question, then if I can of Legislative ••

P.O. CARACAPPA:

I just wanted to make it clear, I did state that earlier. Legislator Binder has told of the strict time frame that we are on now literally as it relates to him and his very strict religious observance and we have to respect that.

LEG. LINDSAY:

Let's move the question.

LEG. ALDEN:

There's people on the list.

P.O. CARACAPPA:

There is a list and Legislator Kennedy still has the floor, but it needs to be stated one last time, go ahead.

LEG. KENNEDY:

Counsel, are you familiar ••

LEG. TONNA:

Allen, did you bring your sneakers?

LEG. KENNEDY:

Are you familiar with Local Finance Law Section 32?

MS. KNAPP:

I am now.

LEG. KENNEDY:

Okay. Have you reviewed the bond?

MS. KNAPP:

Yes, I have.

LEG. KENNEDY:

Okay. In your opinion, is there a full estimate of the cost of this project that is required under 32 of Local Finance Law?

MS. KNAPP:

The number in the bond as the maximum cost of the project described herein is \$104,301,473.

LEG. KENNEDY:

Did you just hear BRO estimate that the cost at this point is 251 million?

LEG. LINDSAY:

For the whole project. We're talking about the first phase. Jesus.

LEG. FOLEY:

That's the second phase, John.

P.O. CARACAPPA:

Legislative Counsel?

MS. KNAPP:

I heard BRO say that the first phase was going to be 135 million and that the total cost of the project was going to be 253.

LEG. KENNEDY:

Can you explain why there is such a great disparity, then?

MS. KNAPP:

I can't.

LEG. KENNEDY:

I'll yield.

P.O. CARACAPPA:

That's not a question for Legal Counsel, just for the record. That would be for Budget Review or the County Executive's Budget Office, which is here and I'm sure ready to answer questions, but ••

LEG. KENNEDY:

I know we have constraints, Mr. Chair. I do not want to continue the _soliloquy_, but what I do want to do is raise for the record that there appears to be a significant deviance with this bond from the requirements of Local 32 of the Finance Law.

P.O. CARACAPPA:

Are you asking through the Chair •• are you asking through the Chair for further ••

LEG. FOLEY:

Bond Counsel wouldn't have signed off on the resolution.

P.O. CARACAPPA:

Legislator Foley, please. Are you asking through the Chair for further questioning of the County's Budget Office?

LEG. KENNEDY:

I am saying to the Chair that I yield based on what I know my colleague's constraints are. However, I am also saying that as a Legislator and as an attorney, I'm bringing to the forefront for the whole body what appears to be a fundamental issue associated with the bond.

P.O. CARACAPPA:

Thank you, Legislator Kennedy. You have yielded your time and I now recognize Legislator Alden.

LEG. ALDEN:

Thank you. I think we need a further clarification of, number one, what we're voting on today, because it was raised •• what?

LEG. FOLEY:

Go ahead.

P.O. CARACAPPA:

Come on, let's move along.

LEG. ALDEN:

It was raised earlier as a question or a comment during the public portion that what we're voting on now would be the jail project and the project to renovate the Riverhead Center; is that what we're voting on today? And I'll direct that to Budget Review.

MS. VIZZINI:

No, the resolution before you appropriates monies in the amount of 93•plus million dollars only for the jail. If you recall, there was a previous resolution that actually used the Riverhead County Center as an offset of sorts, that resolution is not before you.

LEG. ALDEN:

All right. The origins of what we're voting on today were the Capital Budget that we passed last year.

P.O. CARACAPPA:

The current '05 Capital Budget.

LEG. ALDEN:

That covers '05, '06, '07 and '08, I believe, phasing; is that not correct?

MS. VIZZINI:

Phase I is really what we're dealing with, the \$135 million number I gave you. And it •• the money for that is •• spans over 2005 ••

LEG. TONNA:

Can I make a motion to end debate?

MS. VIZZINI:

•• and 2006.

LEG. FOLEY:

Second.

LEG. ALDEN:

You know what? I'm going to be insulted with that, Mr. Tonna, because •• and I'm going to tell you why. I was ••

P.O. CARACAPPA:

Legislator Alden, please. Legislator Alden, you have the floor, you can make your statement. Let's just try and keep the rhetoric down. Go ahead and respond. There is a motion to end debate, which is I believe a 14•vote.

LEG. TONNA:

Forget that.

LEG. ALDEN:

No, no, go head, then make your motion, because I really find it insulting.

P.O. CARACAPPA:

I believe it's a 14•vote.

LEG. TONNA:

All right, forget it, then; we're not going to get 14 votes.

P.O. CARACAPPA:

The motion's been withdrawn. Legislator Alden, you have the floor.

LEG. ALDEN:

Getting back to the origins of this, and I want •• I want something, a little bit of assemblage of truth to go out to these gentlemen that took their time out away from their families this holiday season to come down here, because I believe it's under a little bit of a mistaken premise, and I just wanted to get that out. Because I'll tell you what I did do. Earlier this year when the Capital Program came up I voted for it, and I voted for a jail because I realized that you need a jail, you need to rebuild the jail. I don't know whether it needs to be a \$500 million rebuild or a \$200 million rebuild, but that jail needs to be rebuilt.

When I practiced law and I was allowed to be a defense attorney, my clients were in there and some of the people I prosecuted were in there and it's an abomination, so I supported that jail. But I also support the rebuilding of the County Center, and I also support a whole bunch of other projects. And there's testimony that came out at last Tuesday's meeting that \$280 million worth of projects over the past two years were vetoed by the County Executive. Now, out of that \$280 million that were vetoed, the Suffolk County Legislature saw fit to override approximately \$240 million of those. So we took money that was vetoed to do \$280 million worth of projects and we overrode those vetoes and put those projects back into the mix. Right now in Suffolk County •• and Budget Review, how much money in capital projects are there overhanging right now, approved by this Legislative body?

MS. VIZZINI:

Authorized unissued debt as of March, 2005, was about 409 million.

LEG. ALDEN:

And how many years of work does that actually represent? Are we going to do all that next year?

MS. VIZZINI:

No. We usually bond approximately •• lately, within the past several years •• \$70 million annually.

LEG. ALDEN:

I'm sorry, I ••

MS. VIZZINI:

Seventy, 70 million.

LEG. ALDEN:

Seventy million per year, that's an amount that we can actually do?

MS. VIZZINI:

That's what we bond.

LEG. ALDEN:

Each year we bond about \$70 million worth of construction.

MS. VIZZINI:

Yes.

LEG. ALDEN:

Okay. Well, I voted for this in good faith and I went out to the public and I told them that we were going to build a jail, yet I put the money in the budget for 2005 to start a jail; where's the jail? Why wasn't it started in 2005? Why wasn't it even bid out in 2005?

In good faith, I went and asked people to re•elect me to office based on the fact that we were going to start construction projects for a jail that now isn't going to start. And now, wait til you get to the kicker on this one. What's the timetable for this jail? Isn't there something about July 14th, 2006, and we might spend about 10 million between July and the end of the year? Is that what the construction project •• that's what the schedule is right now?

MS. VIZZINI:

There are certain milestones, as Legislator Carpenter mentioned, that we have to meet for the Commission on Corrections. One of those milestones is the prefabricated cells, what you're talking about, that's the middle of 2006.

LEG. ALDEN:

And that's approximately a \$10 million project?

MS. VIZZINI:

Approximately.

LEG. ALDEN:

Okay. So if somebody told you that there's going to be 70 or 80, or 90 or \$100 million worth of construction jobs out there for 2006 on this project, you were absolutely flat out lied to.

There's about \$10 million of construction projects that might take place in July. The other deadline you have to keep in mind for this project is •• what is significant about December 18th, 2006?

MS. VIZZINI:

That's the milestone by which we have to have the bid•ready plans.

LEG. ALDEN:

For what?

MS. VIZZINI:

For Phase I.

LEG. ALDEN:

Phase I of the jail. Which means that on December 18th, 2006, if we've got to have bid•ready plans, when could you start construction on something like that?

MS. VIZZINI:

There's another milestone that we have to have the actual groundbreaking by June 10th, 2007.

LEG. ALDEN:

2007. So once again, if somebody told you that there's a •• that we're voting on \$70 million

worth of projects today for work next year, \$100 million, they flat out lied to you. And they lied to me back in, basically in May and June of this year, when I was asked to approve a construction plan that said we were going to start a jail in 2005, we were going to put our guys to work in 2005.

Now, I might add that the plan that is put forward by the County Executive's Office actually guts and takes away the rebuilding of the County Center. Now, I'm not so sure that was put out there to you, that that money from the County Center, and that's somewhere around \$30 million that's approved and ready to go and I think we have •• we have some construction plans that would be able to be bid on at this point, and I'll defer to Budget Review again.

MS. VIZZINI:

Yes, we have moved ahead on the planning for the Riverhead County Center.

LEG. ALDEN:

Why isn't the shovel in the ground for that? Again, we went to the public and we told the public when we ran for office that that was going to happen right now, too, and that's a project that's been displaced for at least 20 years. Why wasn't that project started this year? Why weren't you guys put to work this year, as I voted on and I approved and the rest of this Legislative body approved? What happened to that? What happened to jobs that people could have been working this Christmas, not two Christmases from now, this Christmas.

And I have another question. What happened with our New York State Law where we tried to change the Judicial Facilities Agency; is that still going forward? Because that's where we're going to build this project under. Who can answer that question?

P.O. CARACAPPA:

Well, the JFA is going forward.

MR. SABATINO:

It was signed into law two nights ago.

P.O. CARACAPPA:

Right.

LEG. ALDEN:

Okay. What's the timetable? Does that change the timetable at all on the construction, or is it still those time tables that I just ••

P.O. CARACAPPA:

Legislator Alden, who are you directing your question to?

LEG. ALDEN:

Anybody that can answer.

P.O. CARACAPPA:

Would you like Mr. Sabatino to ••

LEG. ALDEN:

That's why I'm directing it to you, basically, if you can get an answer for me.

P.O. CARACAPPA:

Mr. Sabatino, if you care to elaborate based on the work that was done recently on the JFA.

MR. SABATINO:

The signing of that legislation into effect two days ago will help to facilitate the implementation of the construction of a replacement facility with a cost savings to the taxpayers of Suffolk County.

LEG. ALDEN:

Oh, absolutely, but it doesn't change this timetable. This timetable is •• there's probably about \$10 million, maybe, that will be spent some time after July 14th. But here's the kicker on that one, too. That money is in the budget for '06. Whatever we do here today does not affect that money. That money and \$30 million more of its friends are in for next year. So, even if we do a little of expansion on that program in July, we could spend up to \$40 million, disregard what we do today, and that money can still be spent. And that money might be spent because it looks like we're going forward with that phase of it. But the rest of this money, the rest of this money absolutely will not be spent whether we do it today or whether we do it in July, or whether we do it next January or whatever, it will not be spent until '07.

So I will continue to support construction projects to keep you guys working, but I am really flabbergasted at why I was led to believe that when I voted for a budget, a construction budget back in the middle of this year thinking that you guys were going to be to work by the end of this year, that the shovel was going to be in the ground. I actually ended up lying to the people of Suffolk County, lying to you when I said we're going to put you to work, because we're not going to put you to work because we approved the money six to eight months ago and those jobs, they're not going forward until, not even next year, the year after.

LEG. TONNA:

Motion to end debate.

LEG. LINDSAY:

Second.

LEG. COOPER:

Second.

LEG. MYSTAL:

Second.

P.O. CARACAPPA:

Mr. Sabatino?

MR. SABATINO:

Mr. Chairman, I don't want to extend the debate, I know you're pressed for time, but that particular statement requires a rebuttal.

LEG. ALDEN:

Good, because I ••

MR. SABATINO:

Number one ••

LEG. TONNA:

Oh, come on. We'll do it later.

LEG. ALDEN:

No, because I still have some more comments and I'd like to hear what you have to say on it.

LEG. TONNA:

No, no, no, no, no.

LEG. ALDEN:

I'm not •• I'm not relinquishing the floor, Paul.

MR. SABATINO:

No. An accusation •• an accusation ••

LEG. TONNA:

You just did. You just did.

P.O. CARACAPPA:

Ladies and Gentlemen.

LEG. ALDEN:

When did I do that?

LEG. TONNA:

You just did, ask the Chair.

MR. SABATINO:

An accusation of lying was made on the record, I'm here to rebut that statement.

P.O. CARACAPPA:

Mr. Sabatino, if we could take it down a notch, I'll welcome your rebuttal; if we could just do it in a civil way, I'd appreciate it.

Go right ahead.

MR. SABATINO:

Thank you, Mr. Chairman. A simple, one-sentence statement. When the Legislature voted for the 2005 Capital Budget and Program, after cutting twelve-and-a-half million dollars from the program, it was done with the full knowledge at that time that under COC guidelines the work was going to commence in 2006, so there was never a representation that the work was beginning in 2005.

Number two, if you understand the Capital Budget and Program offset laws, if you lose the \$93 million today, you can't get the money back because of the voter-approved referendum from 1988. As a result, you have to go into the Year 2006, find \$93 million worth of offsets by taking out other programs, you've got to take out \$93 million of programs. Those are the jobs and the projects that are going to be lost next year.

LEG. ALDEN:

Good. Let's ••

P.O. CARACAPPA:

Hold on.

LEG. ALDEN:

I'm sorry. I'm sorry.

MR. SABATINO:

It then cascades to the next year and the year after.

LEG. ALDEN:

I'm sorry. Wait. I'd like to •• I'd like to go right into that, because that I think might be a little bit of a stretch and a misstatement. Now, according to the law ••

P.O. CARACAPPA:

Well, Legislator Alden, are you going to debate the bill or are you debating something outside of the facts of the bill?

LEG. ALDEN:

The bill.

P.O. CARACAPPA:

Okay.

LEG. ALDEN:

And that was the statement why we have to go forward with the bill today and why we can't do it next year.

P.O. CARACAPPA:

Quickly. You do still have the floor.

LEG. ALDEN:

I'm trying to do it quickly, but there was a lot of people making statements before that seemed to be a little self-serving.

P.O. CARACAPPA:

Absolutely. Go right ahead.

LEG. ALDEN:

Okay. Under New York State law right now •• and I'll direct this to either Budget Review or I'll direct it to our Counsel •• how can we next year modify our budget? Is there some point •• and here's the crux of it. Do we have to cannibalize other programs to do this with the idea that next year we're not going to do any construction? We already have money in the budget to do the construction next year. So we would normally do in 2006, we normally do our budget for 2007, 2008. So, with that in mind, what ways are there available to us to change what we've already got budgeted if we don't do this today by pushing the money over?

MS. VIZZINI:

Within the constraints of our Charter, the only way to amend an adopted Capital Program is with a corresponding offset. As Mr. Sabatino indicates, if you were to •• if it was required that the 93 million be appropriated in 2006, there would have to be a corresponding offset.

LEG. ALDEN:

But wait a minute, let me stop you right there. If it were to be what in '06? If we were going to spend the money in '06, right?

MS. VIZZINI:

No. Actually, if you were going to amend •• no, if you were going to amend the 2006 budget to schedule the 93 million in there, you would have to, using your words, cannibalize 93 million of other projects.

LEG. ALDEN:

All right, but we're not going to spend •• there's no way we could spend that \$96 million in '06. So now, what other way is there to amend the budget? Isn't there something that if a bid comes in over what was anticipated, just like this came up, then you just add it in?

MS. VIZZINI:

There is a provision in the Charter if we proceed to go to bid, and I would probably defer to Counsel on this, but our practice has typically been to, prior to going to bid, to appropriate the monies in the ballpark of what we expect those bids to come in at.

LEG. ALDEN:

Okay. So we expect the bids to come in under 100 million here.

LEG. LINDSAY:

No.

LEG. ALDEN:

But that's not the truth, it's going to come in over a couple of hundred million. So that would indicate that there's room right there just to amend it. And the only difference that I could think of is a 12•vote or a 14•vote resolution; is that not correct?

MS. VIZZINI:

I would defer to Counsel.

LEG. TONNA:

No, no, no.

MS. KNAPP:

I believe that's correct, yes.

LEG. ALDEN:

I'm sorry, what?

MS. KNAPP:

Yes, I believe that's correct, for this type ••

LEG. ALDEN:

Now, I also have a quick question, fiscal impact with this. We approved construction, we approved a lot of projects in our Capital Budget.

AUDIENCE MEMBER:

Call the vote.

LEG. ALDEN:

What's the ••

AUDIENCE MEMBER:

Vote.

AUDIENCE MEMBER:

Vote for it.

AUDIENCE MEMBER:

Vote.

P.O. CARACAPPA:

Ladies and Gentlemen, please, you cannot call out from the audience.

LEG. ALDEN:

Is that what you want, you want to shout people down? You don't want to hear the truth?

AUDIENCE MEMBER:

We'll vote you out, too.

LEG. ALDEN:

What's the fiscal impact and was that •• was a Fiscal Impact Statement submitted with this piece of legislation?

MS. VIZZINI:

I did not receive a fiscal impact, but we prepared our own fiscal impact.

LEG. ALDEN:

Well, let me stop you right there.

MR. SABATINO:

For the record ••

LEG. ALDEN:

Isn't there a requirement that ••

MR. SABATINO:

•• the bill is a Legislative initiative.

P.O. CARACAPPA:

All right.

LEG. ALDEN:

•• a Fiscal Impact Statement be submitted when this type of legislation •• because this ••

P.O. CARACAPPA:

The question is •• the question is, is there a Fiscal Impact Statement associated with the resolution, yes or no?

MS. VIZZINI:

I didn't receive one.

LEG. ALDEN:

No.

P.O. CARACAPPA:

You didn't receive one.

LEG. ALDEN:

This does away with four or five projects.

P.O. CARACAPPA:

Legislator Binder.

LEG. ALDEN:

Four or five approved projects that are ready to go, this does away with them.

P.O. CARACAPPA:

I'm going to make a ruling as the Chair, my last ruling as the Chair of this Legislature, to cut off debate right now. There could be a motion •• there could be a motion to overrule my decision.

(Applause)

LEG. ALDEN:

No, I want to put something on the record, then. I want to put something on the record.

P.O. CARACAPPA:

Is there is a motion to overrule my ruling?

LEG. TONNA:

No.

LEG. ALDEN:

You allowed a lot of self•serving comments.

LEG. TONNA:

No. Call the vote.

P.O. CARACAPPA:

There's a motion and a second.

LEG. BISHOP:

Point of order.

LEG. ALDEN:

This is unfortunate that you're doing this.

LEG. MYSTAL:

Roll call.

LEG. FOLEY:

Move the question.

LEG. ALDEN:

People should know the truth.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. NOWICK:

What are we voting on, to end debate?

LEG. BISHOP:

What is this? What is this vote on?

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Is that to end debate? What are we voting on?

LEG. BISHOP:

What is this vote on? I don't even know what we're voting •• what are we voting on?

P.O. CARACAPPA:

This is on the bill.

LEG. MYSTAL:

On the bill.

P.O. CARACAPPA:

This is on the bill.

LEG. NOWICK:

Oh, this is on the bill.

MR. BARTON:

On the bond.

LEG. BISHOP:

Okay. I'll pass.

P.O. CARACAPPA:

I made a ruling to end ••

LEG. BINDER:

I thought it was ••

P.O. CARACAPPA:

No, this is on the bill.

LEG. TONNA:

On the bill.

MR. BARTON:

This is on the bond.

P.O. CARACAPPA:

This is on the bond.

LEG. BINDER:

All right. Keep going.

(*Roll Call Continued by Mr. Barton • Clerk*)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. ALDEN:

If you're going to cut off debate, no.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

(Not Present)

LEG. VILORIA • FISHER:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. BINDER:

Henry, I'm a yes.

MR. BARTON:

Thank you, Mr. Binder.

LEG. BISHOP:

Mr. Chairman, I wanted an opportunity to get something on the record ••

LEG. ALDEN:

Yeah, I know.

LEG. BISHOP:

•• which I needed to.

LEG. ALDEN:

But they're cutting •• they're cutting the debate off, Dave.

LEG. BISHOP:

But I can't cast the vote until I get something. Can I ••

LEG. ALDEN:

Where's the Sheriff?

LEG. BISHOP:

Can I get something on the record ••

P.O. CARACAPPA:

You cannot •• we cannot ••

LEG. BISHOP:

•• before I cast the vote?

P.O. CARACAPPA:

We cannot interrupt a roll call vote with a •• with a statement, Legislator Bishop.

LEG. BISHOP:

Well, I don't want to make a statement. I had a question of the Sheriff•Elect's representative and that was critical to my vote.

P.O. CARACAPPA:

I will withdraw my ruling if that's what you want to do, but unfortunately the vote is lost.

LEG. BISHOP:

Well, I don't want to •• I just want to interrupt the vote.

P.O. CARACAPPA:

The vote is lost based on the time constraints.

LEG. BISHOP:

All right. I'll vote yes at this time. And I may call back the vote.

(Applause)

MR. BARTON:

Twelve.

P.O. CARACAPPA:

Twelve. That CN is approved.

MR. BARTON:

On the bond.

LEG. BISHOP:

Point of order, Mr. Chairman. Can I ••

P.O. CARACAPPA:

Point of order. I recognize Legislator Bishop.

LEG. BISHOP:

Now, I understand there's probably going to be ••

LEG. CARPENTER:

There's one more vote.

P.O. CARACAPPA:

There's one more vote.

LEG. CARPENTER:

He's on his way out the door.

P.O. CARACAPPA:

I will allow you to make your ••

LEG. BISHOP:

I want to get •• I need to get certain ••

LEG. NOWICK:

He's going to let you do that.

LEG. TONNA:

Motion. There has to be a motion. I make a motion to approve.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

On item Number 3, to vote on the CN.

LEG. TONNA:

Motion to approve.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Motion to approve by Legislator Tonna, second by Legislator Carpenter. On the motion.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

This is a sad day from a Legislative body that prides itself on allowing the public to speak and allowing debate to take place on the issues. To cut it off like this •• and you know what, if you needed more time, then start the thing earlier. My sister is going to spend •• and my sister is mentally and physically handicapped.

P.O. CARACAPPA:

Legislator Alden, I did not call the Special Meeting.

LEG. ALDEN:

Right, and I'm making that point. My sister's physically and mentally handicapped, she's going to spend her birthday, Christmas Day, alone because I came in here, because that's my duty because I was elected. So, if the meeting had to be called a little bit earlier to accommodate somebody else with a religious belief, then that should have been taken into consideration, and not cut off debate and not cut off a free interchange of •• and really, this is an expression of the truth. So if people want to slant things in one way and make it sound like you're voting against the project or voting whatever way is going on here, I'm really •• this is a sad day for the Legislature.

P.O. CARACAPPA:

I respect your comments, Legislator Alden, but, please understand, this is the last vote to be taken by Legislators who have served for 16 years. On top of that, religious observance ••

(Applause)

Excuse me. Please, we're on •• against a time clock here. As well as observing the religious beliefs of another Legislator, or the same Legislator, it depends on how you look at it. And I just wanted to, instead of looking at it the way you are, and I respect that, I'm trying to get the job done here so everyone in that audience and everyone around this horseshoe and the people that have these commitments can get home to their families. I don't want to be here, you don't want to be here, they don't want to be here.

LEG. ALDEN:

Well, then the meeting should have been called at 9:30 this morning and then we would have the whole damn day.

P.O. CARACAPPA:

That's out of my •• that's out of my power. There's a motion and a second on the second roll call. Roll call.

LEG. TONNA:

Call the vote.

LEG. ALDEN:

You're stifling the free expression here and debate.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No for the same reason.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

12.

P.O. CARACAPPA:

It's approved. Any other business?

(Applause and Standing Ovation)

Gentlemen. Ladies and Gentlemen, please, before you vacate •• before you vacate this auditorium, I think •• I think you all •• we all owe the respect to at least one or two Legislators who did not have a chance to explain a changing of their vote from Tuesday to be put on the record and you should hear that. So I recognize Legislator Bishop for that purpose.

LEG. TONNA:

Right.

LEG. BISHOP:

I appreciate that. Thank you.

LEG. TONNA:

Sit down, guys.

LEG. BISHOP:

Thank you, Mr. Chairman. This is •• this is not a proud day. This is not the way this should be done, and I ••

LEG. ALDEN:

This is a sad day.

LEG. BISHOP:

It is kind of sad, but ••

P.O. CARACAPPA:

I'm saddened by it myself.

LEG. BISHOP:

And it's not your fault, Mr. Chairman, it certainly isn't. For thirteen years I've supported •• I've supported labor and I've supported prevailing wage. I sponsored legislation on prevailing wage and IDA contracts. I had •• original sponsor with Legislator Lindsay about the apprentice language and Legislator Tonna, sponsor of the living wage, and I supported the Capital Budget. But there's one project that cannot be allowed to go forward as it is currently planned and that is the jail in Yaphank. And for the last three years I've made speeches almost every meeting opposing the jail, and I still oppose the jail, and you should all oppose the jail. Even if you are a labor man you should oppose the jail, because the jail is going to be the project that eats up Suffolk County.

What will happen, and it's already beginning to happen, is if you go forward with a jail project on this scale, which is 100% locally funded, you're going to blow out your ability to bond because you're going to increase 100% and more the amount that you dedicate in the Operating Budget that goes to debt service. And we've had a policy for ten years of having level debt service and we're abandoning that policy radically.

Now, what County Executive Levy said earlier was that he didn't want to abandon that, what he wanted to do was have you cut other projects in order to do that. If you cut other projects, inevitably you're going to be cutting projects that are aided, State and Federal aided, and so

the net result of that ultimately will be less construction jobs, not more construction jobs. So I think it's rather myopic to put all your eggs in the jail basket, because the jail ultimately is not going to get you where you want. It is not a good project for job creation. Moreover, it's a bad project for taxpayers, and I've discussed that often.

It's also a bad project from a public policy perspective, because at the end of it, you're going to have 2,000 jail cells for a jail population that has hovered for the past decade at around sixteen hundred; you're going to have more cells than you need. You also have hundreds of people in the jail who are mentally ill, and that's not where we should keep mentally ill people, we should be treating their mental illness. Otherwise, what you're doing is you're keeping them in jail for 30 days, you're sending them back out and they come back again; that's not a way to have a public policy run.

All right, so I've made that speech. My colleagues have heard that numerous times. I made that speech again the other day, and suddenly, out of nowhere materialized all these votes who agreed with me and this jail appropriation was killed. Since that time, there has been a lot of people who I respect greatly who've asked me to reconsider, because they don't think it's real opposition to the jail, they think it's a political game, the sudden materialization of votes against the jail. I'm not going to speak to that. I don't know if it is or not, but when Legislator Lindsay, Legislator Caracappa, County Executive Levy and Mike Conroy, all people that I count as friends, came to me and asked me to reconsider, I did reconsider. But I said that I can't reconsider because I don't support the jail, they said, "But Sheriff•Elect DeMarco, who you said this Legislature should respect his intention not to do this jail project as currently planned, he wants this appropriation." So this morning I had a conversation with Sheriff•Elect DeMarco, and I believe that Undersheriff Otto is prepared to make a statement on Sheriff DeMarco's •• Sheriff•Elect DeMarco's behalf and I'd like that opportunity; is that true?

CHIEF OTTO:

I have something.

LEG. BISHOP:

Please. Whatever your title is; what's the title?

P.O. CARACAPPA:

Chief Otto. I wish a card would have been filled out earlier as it relates to this.

LEG. BISHOP:

Well, it's a question of somebody in the government; I am allowed to do that, right?

LEG. ALDEN:

Well, it's nice because then all of us could have considered the thing before we voted.

LEG. BISHOP:

I know and I agree. The process ••

P.O. CARACAPPA:

Please, don't call out from the audience, please. I will respect Legislator Bishop's request through the Chair for Chief Otto to make a brief ••

LEG. BISHOP:

Chief Otto, excuse me. I apologize.

P.O. CARACAPPA:

A brief statement as it relates to the incoming Sheriff's position. Please, Chief Otto, brief, if you would.

CHIEF OTTO:

Thank you, Chairman and Legislators. I did speak with Sheriff•Elect DeMarco and he appreciated the efforts of Legislators Bishop and others to delay approval of all appropriations until he had a chance to present an alternative. Indeed, he is forming proposals that will lessen the cost of the jail project. He believes that we can do better than what the current phase states, but he must have at least this resolution passed of \$100 million, approximately. Therefore, he is asking Legislator Bishop and all others who support him to please approve this resolution.

LEG. BISHOP:

Okay. That is essentially the conversation I had with him this morning. His point is, "I don't want to do this mega jail either, but if I do a renovation that's affordable and that puts a lot of guys to work, even that's going to cost within this appropriation and, therefore, you should vote

for it." Given that, I agreed to vote for it today and that's why I cast the vote the way I did. But I do think the jail project as it's currently designed is bad.

P.O. CARACAPPA:

I appreciate you having the ability to put that on the record.

(Applause)

LEG. BISHOP:

Thank you.

LEG. ALDEN:

We're voting for the current project. It's pretty simple.

P.O. CARACAPPA:

Okay. Is there anyone else? Okay. Ladies and Gentlemen, this concludes the Special Meeting of the Legislature. Happy Holidays.

Be safe. Happy New Year. And as my last official act as Presiding Officer of this body, which I thought was the other day, will happen now, I will slam this gavel down for the very last time. It's truly been my honor. We are adjourned.

(Applause)

[THE MEETING WAS ADJOURNED AT 3:58 P.M.]

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